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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MONSTER CABLE PRODUCTS, INC.,

Plaintiff,

vs.

AUDIOVOX CORPORATION and
AUDIOVOX ELECTRONICS
CORPORATION,

Defendant

Case No.

C07 05631

COMPLAINT FOR PATENT AND
TRADEMARK INFRINGEMENT

JURY TRIAL DEMANDED

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Plaintiff, Monster Cable Products, Inc. ("Monster"), brings this action against defendants,
and each of them, as follows:

JURISDICTION AND VENUE

1. This action arises, inter alia, under 15 U.S.C. §1125 et seq. and 35 U.S.C. §1 et
seq. Jurisdiction is therefore proper under 28 U.S.C. §1331. Jurisdiction is also proper under 28
U.S.C. §1332.

2. Supplemental jurisdiction of this Court exists for the state law claims stated
herein, each of which arise out of a common nucleus of operative facts with those from which
the federal claims arise.

COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL

E-FILED
Filed
NOV 06 2007
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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Sept
SI*

1 3. Venue in this judicial district is proper under 28 U.S.C. §1391 (b) and (c).
2 Defendants have on a continual basis committed infringing acts alleged below within the District
3 of this Court, in business interactions purposefully elicited by defendants with or directed to
4 residents of said District, including, inter alia, actively soliciting and causing infringing and other
5 wrongful sales directed into the District as well as directing internet website advertising and
6 promotion and other promotion and advertising within and toward this District.

7 INTRADISTRICT ASSIGNMENT

8 4. This is an intellectual property case subject to district-wide assignment under
9 Local Rule 3-2(c).

10 THE PARTIES

11 5. Plaintiff Monster Cable Products, Inc. (also referred to herein as "Monster") is a
12 corporation existing under the laws of California, with its principal place of business in Brisbane,
13 California.

14 6. Plaintiff is informed and believes, and based thereon alleges, that defendant
15 Audiovox Corporation ("Audiovox") is a corporation existing under the laws of Delaware having
16 its principal place of business in Hauppauge, New York. Plaintiff is informed and believes, and
17 based thereon alleges, that defendant Audiovox Electronics Corporation ("Audiovox
18 Electronics") is a corporation existing under the laws of Delaware having its principal place of
19 business in Hauppauge, New York and is a wholly-owned subsidiary of Audiovox Corporation.
20 Plaintiff is informed and believes and on that basis alleges that Audiovox Electronics
21 Corporation is an alter ego of Audiovox Corporation.

22 FACTUAL BACKGROUND AND GENERAL ALLEGATIONS

23 7. Since 1978, plaintiff Monster Cable Products has been doing business in the
24 United States, designing, manufacturing, and selling a broad array of electronic products and
25 accessories, with a particular focus on superior cables for high-end audio and video components.

8. Monster is now the world's leading manufacturer of high performance cables that connect audio/video components for home, car and professional use as well as computers and computer games.

9. Among other things, Monster Cable Products is known for its “clear jacket” speaker cable. On June 18, 1991, Monster obtained a registered trademark for a design involving two clear-jacketed electrical signal transmitting cables. A true and correct copy of this registration, No. 1,647,907, is attached hereto as Exhibit A.

10. Audiovox sells electrical and cabling products and accessories across a variety of brands, including clear-jacketed speaker cable under the Acoustic Research brand name. Speaker cables sold by Audiovox under the Acoustic Research brand name, including PROSERIES II cable, infringe patent and trademark rights held by Monster.

COUNT I

INFRINGEMENT OF U.S. PATENT No. 4,910,360

11. Plaintiff realleges and incorporates therein by reference paragraphs 1 through the immediately preceding paragraph, inclusive, as if fully set forth herein.

12. On March 20, 1990, United States Patent No. 4,910,360 ("the '360 patent") was duly and legally issued to Noel Lee for a Cable Assembly having and Internal Dielectric Core Surrounded by a Conductor. Mr. Lee has assigned all right and interest in the '360 patent to Monster Cable Products, Inc. and Monster has been and is the owner of the '360 patent. A true and correct copy of the '360 patent is attached hereto as Exhibit B.

13. On or about February 9, 2007, Monster Cable Products gave written notice to Defendant Audiovox that some of its products, including its PROSERIES II brand speaker cable, were or may be infringing the '360 patent. Defendant has and continues to infringe the '360 patent by selling products, including its PROSERIES II brand speaker cable, embodying the patented invention, and will continue to do so unless enjoined by this court.

14. Plaintiff has been damaged in an unascertained amount and will seek leave to amend this Complaint when the same has been ascertained.

15. On information and belief, plaintiff alleges that the aforesaid acts were committed with willful intent, with knowledge of the lack of right to do so, and said acts have caused plaintiff damage.

Wherefore, plaintiff prays for judgment as hereafter set forth.

COUNT II

TRADEMARK INFRINGEMENT

16. Plaintiff realleges and incorporates therein by reference paragraphs 1 through the immediately preceding paragraph, inclusive, as if fully set forth herein.

17. Audiovox's use of the dual-cable clear-jacket design for its speaker cable is likely to confuse consumers as to the source or origin of the product. Monster is a pioneer in selling high-quality clear jacket speaker cable, and this design is understood by consumers to be indicative of a Monster Cable product.

18. Audiovox's product design is confusingly similar to Monster's trademark, and thereby infringe said trademark.

19. The aforesaid acts are intended to and likely to cause confusion in the marketplace as to the source, sponsorship, affiliation or authorization of the products being offered and distributed under the Monster Marks.

20. On information and belief, plaintiff alleges that the aforesaid acts were committed with willful intent for the purpose of trading upon plaintiff's goodwill and business reputation, with knowledge of the lack of right to do so, and said acts have caused plaintiff damage.

Wherefore, plaintiff prays for judgment as hereafter set forth.


PRAYER FOR RELIEF

Wherefore, plaintiff prays for judgment as follows:

- 1 1. For damages, including plaintiff's lost profits, defendants' profits, disgorgement,
- 2 restitution or other compensation or monetary remedy, according to proof;
- 3 2. For punitive, exemplary and/or treble damages, according to proof;
- 4 3. For an award of attorneys' fees and costs;
- 5 4. For preliminary and permanent injunctive relief, enjoining defendants, and each of
- 6 them, from continuing to engage in the practice of unauthorized sales and infringement of
- 7 Monster's patent and trademark rights.
- 8 5. For such other and further relief as the Court may deem just and proper.

9 Dated this 6th day of November, 2007.

10 LARIVIERE GRUBMAN & PAYNE, LLP

11 By 
12 Robert W. Payne,
13 Attorneys for Plaintiff

14 JURY TRIAL DEMANDED

15 Plaintiff hereby demands a trial by jury on all issues triable before a jury.

16 Dated this 6th day of November 2007.

17 LARIVIERE GRUBMAN & PAYNE, LLP

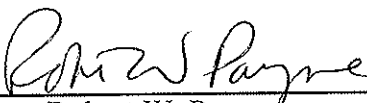
18 By 
19 Robert W. Payne,
20 Attorneys for Plaintiff

Exhibit A

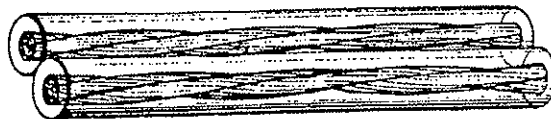
Int. Cl.: 9

Prior U.S. Cl.: 21

Reg. No. 1,647,907

United States Patent and Trademark Office Registered June 18, 1991

**TRADEMARK
PRINCIPAL REGISTER**



MONSTER CABLE PRODUCTS, INC. (CALI-
FORNIA CORPORATION)
101 TOWNSEND STREET
SAN FRANCISCO, CA 94107

FOR: ELECTRICAL SIGNAL TRANSMIT-
TING CABLES, IN CLASS 9 (U.S. CL. 21).

FIRST USE 11-3-1978; IN COMMERCE
11-3-1978.

THE LINING IN THE DRAWING IS FOR
SHADING PURPOSES ONLY.

THE MARK CONSISTS OF A PAIR OF
STRANDED COPPER CONDUCTORS EACH
TWISTED INTO A ROPE LAY AND EN-
CLOSED BY TRANSPARENT CYLINDRICAL
INSULATION.

SEC. 2(F).

SER. NO. 73-696,103, FILED 11-18-1987.

MARY FRANCES BRUCE, EXAMINING AT-
TORNEY

Exhibit B

United States Patent [19]

Lee

[11] **Patent Number:** 4,910,360[45] **Date of Patent:** Mar. 20, 1990[54] **CABLE ASSEMBLY HAVING AN INTERNAL DIELECTRIC CORE SURROUNDED BY A CONDUCTOR**[76] **Inventor:** Noel Lee, 47 W. Park Dr., Daly City, Calif. 94015[21] **Appl. No.:** 293,642[22] **Filed:** Jan. 5, 1989[51] **Int. Cl.⁴** H01B 7/08[52] **U.S. Cl.** 174/117 F; 174/113 C;
174/115; 174/131 A[58] **Field of Search** 174/113 C, 131 A, 117 F,
174/117 R, 115[56] **References Cited****U.S. PATENT DOCUMENTS**

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FOREIGN PATENT DOCUMENTS

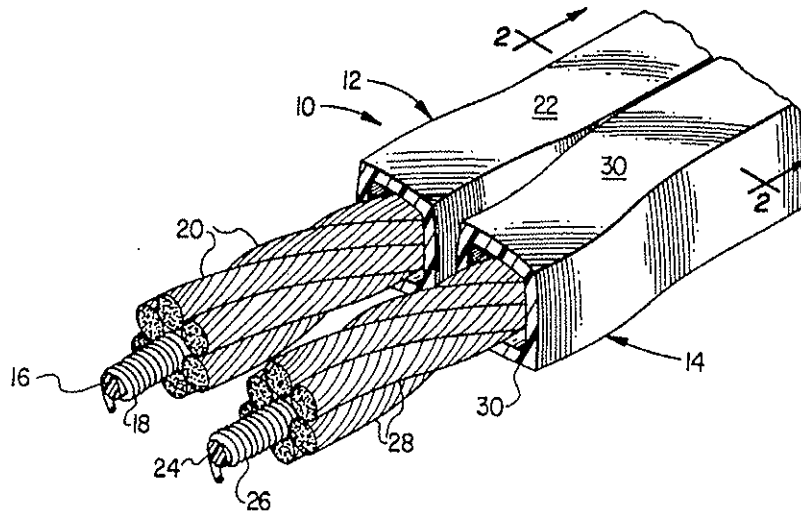
1465554 8/1964 Fed. Rep. of Germany .
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Primary Examiner—Morris H. Nimmo
Attorney, Agent, or Firm—Warren B. Kice

[57] **ABSTRACT**

A cable assembly in which a pair of cables are provided to carry the positive and negative signals between a power source and a load. Each cable consists of a conductor wrapped around a dielectric core, and a plurality of bundles of wire strands are twisted around the wrapped dielectric core. The wire strands forming each bundle are twisted in a first direction and the bundles are twisted around the solid conductor in a direction opposite the first direction. Insulation extends around the bundles of wire strands.

23 Claims, 1 Drawing Sheet



U.S. Patent

Mar. 20, 1990

4,910,360

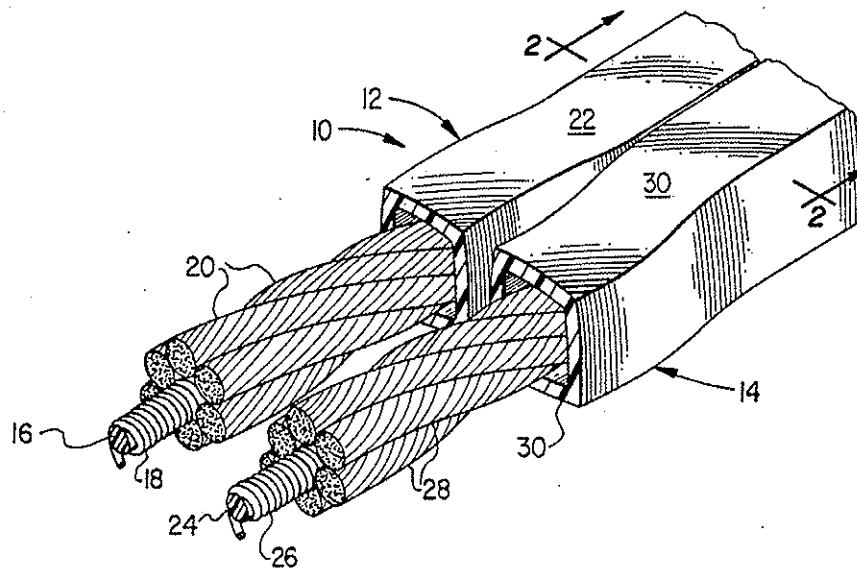


FIG. 1

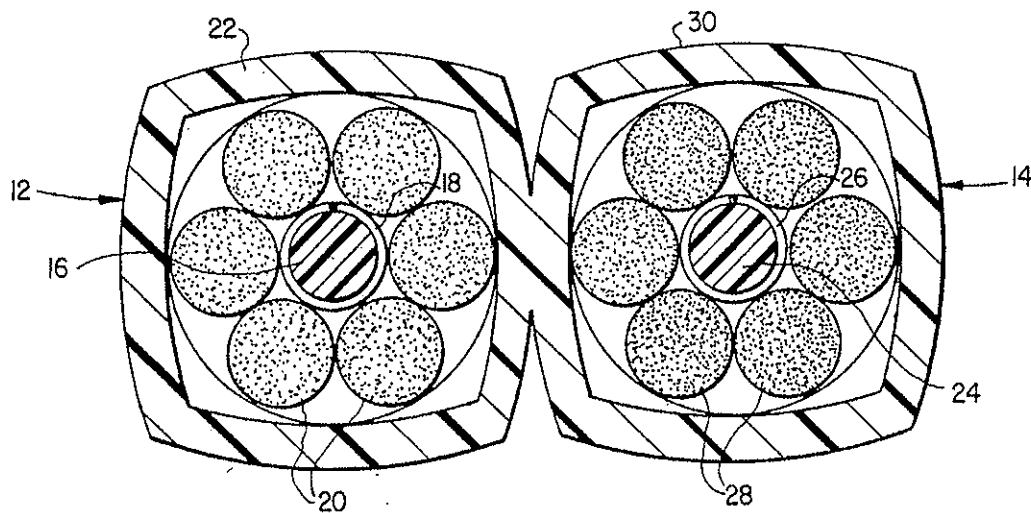


FIG. 2

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CABLE ASSEMBLY HAVING AN INTERNAL DIELECTRIC CORE SURROUNDED BY A CONDUCTOR

BACKGROUND OF THE INVENTION

This invention relates to a cable assembly for transmitting an electrical signal between a power source and a load.

Various types of cables have been used to transfer electrical current between a power source and a load. For example, the signal from an audio amplifier is transmitted by a cable to a loudspeaker for producing a replica of a signal from a program source that is introduced to the amplifier. However, there is much controversy as to the optimum type of cable that should be used in these types of environments.

SUMMARY OF THE INVENTION

It is an object of the present invention to provide a signal cable assembly in which a plurality of wire strands are provided which carry the signal.

It is a further object of the present invention to provide a cable assembly of the above type in which the wire strands are grouped into bundles and wrapped around a dielectric core.

It is a further object of the present invention to provide a cable assembly of the above type in which a conductor is wrapped around the dielectric core.

It is a still further object of the present invention to provide a cable assembly of the above type which is relatively flexible and easy to handle and install.

Toward the fulfillment of these and other objects, the cable assembly of the present invention includes a plurality of bundles of wire strands wrapped around a dielectric core around which is wrapped a conductor.

DESCRIPTION OF THE DRAWINGS

The above brief description, as well as further objects, features and advantages of the present invention will be more fully appreciated by reference to the following detailed description of the presently preferred but nonetheless illustrative embodiment in accordance with the present invention when taken in conjunction with the accompanying drawings wherein:

FIG. 1 is a partial perspective view depicting the signal cable assembly of the present invention, with the insulation being removed from the end portions thereof for convenience of presentation; and

FIG. 2 is a cross-sectional view taken along the line 2--2 of FIG. 1.

DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring specifically to the drawings the reference numeral 10 refers in general to the signal cable assembly of the present invention which comprises a first cable 12 extending in a juxtaposed, parallel relationship to a second cable 14.

The cable 12 is formed by a central, solid, rod-like dielectric core 16 around which is wound a single conductor 18. Six bundles 20 of wire strands are twisted about the wrapped core 16 and, as shown by the curved lines, the wire strands forming each bundle 20 are twisted in a direction opposite that of the direction of twist of the bundles around the wrapped core 16.

An insulating sleeve 22 extends around the bundles 20, is fabricated of an insulating material, such as plastic

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or rubber, and has a substantially rectangular cross section.

In a similar manner, the cable 14 comprises a dielectric core 24 about which is wrapped a conductor 26. Six bundles 28 of wire strands are twisted around the wrapped core 24 in a direction opposite to that of the twist of the wire strands forming each bundle. An insulating sleeve 30 extends around the twisted bundles 28.

The cores 16 and 24 are fabricated from a dielectric material such as polypropylene, and the conductors 18 and 26, as well as the wire strands forming the bundles 20 and 28, are formed of a current carrying material, such as copper. The conductors 18 and 26 can be of a relatively thick gauge such as 20 gauge (AWG) while the wire strands forming the bundles 20 and 28 are of a relatively thin gauge such as 36 gauge (AWG). According to a preferred embodiment, each bundle 20 and 28 consists of approximately forty-eight strands. The conductors 18 and 26 are wound around their respective cores 16 and 24, while the strands of each bundle 20 and 28 are wound around their respective wrapped cores. The bundles 20 and 28, in turn, are wound around their respective wrapped cores 16 and 24.

As shown in FIG. 2 the insulating sleeves 22 and 30 are disposed in a juxtaposed, parallel relationship with their corresponding sidewall portions being molded together. The lengths of the conductors 18 and 26 and the wire strands forming the bundles 20 and 28 are approximately the same.

In FIG. 1, the insulating sleeves 22 and 30 of the cables 12 and 14, respectively, have been removed from the end portions of cables to show the uninsulated end portions of each cable which are connected to a power source and/or load. Also, the lengths of the wrapped cores 16 and 24 have been extended in FIG. 1 to better depict their features.

The conductor 18 and the bundles 20 together function as one cable and, as such, are connected together as a single cable to the power source or load. Similarly, the conductor 26 and the bundles 28 together function as a single cable. Since the dielectric cores 16 and 24 are nonconductive they are not connected to the power source or load.

One of the cables 12 or 14 can carry the positive signal and the other can carry the negative signal with the respective uninsulated ends of the conductors and wire strands being connected, as a single cable, via conventional connectors, such as spade lugs, banana plugs, or the like, to the positive and negative terminals of the power source and load.

Although not shown in the drawings, as an alternative embodiment, it is understood that the conductors 18 and 26 can be surrounded by insulation.

There are several advantages to the cable assembly of the present invention. For example, the dielectric cores 16 and 24 function to break up deleterious magnetic forces that would otherwise be present as a result of currents passing through the wire strands forming the bundles 20 and 28. Also, the larger gauge conductors 18 and 26 aid in properly transmitting the lower frequencies of the signal, and the opposite twisting of the wire strands forming each bundle 20 and 28 adds flexibility to each cable 12 and 14.

Other modifications, changes and substitutions are intended in the foregoing disclosure and, in some instances, some features of the invention can be employed without a corresponding use of other features. Accord-

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ingly, it is appropriate that the appended claims be construed broadly and in a manner consistent with the spirit and scope of the invention therein.

What is claimed is:

1. A signal cable assembly comprising a pair of cables adapted to respectively carry the positive and negative signals between a power source and a load; each cable comprising a dielectric core, a single conductor wrapped around said core, a plurality of bundles of uninsulated wire strands extending around said wrapped core, the wire strands forming each bundle being twisted in a first direction and the bundles of each cable being twisted around their respective cores in a direction opposite said first direction, and insulating means extending around each cable, the conductor and the wire strands of each cable being connected as a single unit between a power source and a load.

2. The assembly of claim 1 wherein said dielectric core is in the form of an elongated, rod-like, solid dielectric material extending for the entire length of its respective cable.

3. The cable of claim 1 wherein the length of each conductor is approximately equal to the length of each wire strand.

4. The cable assembly of claim 1 wherein said cables are disposed in a juxtaposed parallel relationship with their respective insulation means being molded together.

5. The assembly of claim 1 wherein said bundles are uninsulated.

6. A signal cable assembly comprising a pair of cables adapted to respectively carry the positive and negative signals between a power source and a load; each cable comprising a dielectric core, a single conductor wrapped around said core, a plurality of bundles of uninsulated wire strands extending around said wrapped core, each conductor being greater than the diameter of each wire strand, and insulation means extending around each cable, the conductor and the wire strands of each cable being connected as a single unit between a power source and a load.

7. The assembly of claim 6 wherein said dielectric core is in the form of an elongated, rod-like, solid dielectric material extending for the entire length of its respective cable.

8. The cable of claim 6 wherein the length of each conductor is approximately equal to the length of each wire strand.

9. The cable assembly of claim 6 wherein said cables are disposed in a juxtaposed parallel relationship with their respective insulation means being molded together.

10. The assembly of claim 6 wherein said single conductor is uninsulated.

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11. The assembly of claim 6 wherein said uninsulated wire strands are in contact with said single conductor.

12. The assembly of claim 6 wherein said bundles are uninsulated.

13. A signal cable assembly comprising a pair of cables adapted to respectively carry the positive and negative signals between a power source and a load; each cable comprising a dielectric core, an uninsulated single conductor wrapped around said core, a plurality of bundles of uninsulated wire strands extending around said wrapped core, and insulation means extending around each cable, the conductor and the wire strands of each cable being connected as a single unit between a power source and a load.

14. The assembly of claim 13 wherein said dielectric core is in the form of an elongated, rod-like, solid dielectric material extending for the entire length of its respective cable.

15. The cable of claim 13 wherein the length of each conductor is approximately equal to the length of each wire strand.

16. The cable assembly of claim 13 wherein said cables are disposed in a juxtaposed parallel relationship with their respective insulation means being molded together.

17. The assembly of claim 13 wherein said uninsulated wire strands are in contact with said single conductor.

18. The assembly of claim 9 wherein said bundles are uninsulated.

19. A signal cable assembly comprising a pair of cables adapted to respectively carry the positive and negative signals between a power source and a load; each cable comprising a dielectric core, a single conductor wrapped around said core, a plurality of bundles of uninsulated wire strands extending around said wrapped core and in contact with said single conductor, and insulation means extending around each cable, the conductor and the wire strands of each cable being connected as a single unit between a power source and a load.

20. The assembly of claim 19 wherein said dielectric core is in the form of an elongated, rod-like, solid dielectric material extending for the entire length of its respective cable.

21. The cable of claim 19 wherein the length of each conductor is approximately equal to the length of each wire strand.

22. The cable assembly of claim 19 wherein said cables are disposed in a juxtaposed parallel relationship with their respective insulation means being molded together.

23. The assembly of claim 6 wherein said bundles are uninsulated.

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